

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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DAVID ALLEN HUBBELL,

vs

6:07-CV-355

O.W. HUBBELL & SONS, INC.; and  
HUBBELL HOLDING CORPORATION,

Defendants.  
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APPEARANCES:

OF COUNSEL:

DAVID ALLEN HUBBELL  
Plaintiff, Pro Se  
P.O. Box 171  
Ft. Walton Beach, FL 32549

HODGSON RUSS LLP  
Attorneys for Defendants  
Suite 301  
677 Broadway  
Albany, NY 12207

RICHARD L. WEISZ, ESQ.

DAVID N. HURD  
United States District Judge

**ORDER**

Plaintiff, pro se, has moved for a preliminary injunction to enjoin defendants from using his registered copyright works ("® SPLICE"). He has filed and served a Notice of Motion, Affidavit (with exhibits), Memorandum of Law, and Reply Affidavit. Defendants have now filed an affidavit stating that an injunction is "unnecessary and the relief moot" because "we have discontinued use of the drawing." Defendants offer no proof of a discontinuance and otherwise provide no reason to deny the application. Therefore, it is

ORDERED, that

1. The motion is GRANTED;

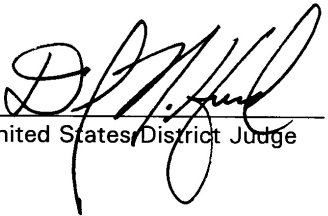
2. The defendants O.W. Hubbell & Sons, Inc. and Hubbell Holding Corporation, its agents, servants, employees, representatives, subsidiaries, and those acting in concert with them or at their direction, are restrained and enjoined from engaging in, or enabling, facilitating, or assisting others in the copying, downloading, uploading, transmission or distribution of the plaintiff's registered copyrighted works ("® SPLICE") particular to the instant case, without the express permission of the rights owner, including without limitation any of the following:

- a. Copying, downloading, uploading, transmitting, or distributing ® SPLICE;
- b. Enabling, facilitating, permitting, allowing or assisting users to copy, download, upload, transmit, or distribute any ® SPLICE through the defendants' internet services(s), and server(s) including all of their websites;
- c. Enabling, facilitating, permitting, allowing or assisting to copy to or into any other medium ® SPLICE;
- d. Soliciting or encouraging others to do any of that referenced in a thru c;
- e. Soliciting or encouraging others to make available ® SPLICE for copying downloading, uploading, transmission, distribution or presentation in another medium.

3. The injunction shall go into effect upon the plaintiff posting \$5,000.00 in cash or bond with the Clerk of the Court on or before September 14, 2007; otherwise the application will be denied.

IT IS SO ORDERED.

Dated: August 22, 2007  
Utica, New York.



United States District Judge